

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ARIEL INVESTMENTS, LLC,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 15-cv-3717
)	
ARIEL CAPITAL ADVISORS LLC,)	
)	
Defendant.)	

Permanent Injunction and Order

It is hereby ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the subject matter of this action and each of the parties to this action.

2. Defendant Ariel Capital Advisors LLC (“Defendant”) and its owners, members, officers, directors, agents, servants, employees, attorneys, affiliates, and all other persons who are in active concert or participation with any of the foregoing are hereby permanently enjoined from:

(a) using, registering or attempting to register any of the marks set forth in Exhibit A (the “ARIEL Marks”), and any other name, business name, mark, or domain name confusingly similar to any of the ARIEL Marks, including without limitation ARIEL CAPITAL ADVISORS, ARIEL CAPITAL, and ARIEL; and

(b) using any trademark, service mark, name, logo, or source designation of any kind that is a copy, reproduction, colorable imitation, simulation of, or confusingly similar to, any of the ARIEL Marks, or is likely to cause confusion, mistake, deception, or public

misunderstanding that Defendant's business or services are the business or services of Plaintiff Ariel Investments, LLC ("Plaintiff"), or are sponsored by or in any way related to Plaintiff.

3. Defendant shall surrender and deliver up to Plaintiff for destruction all labels, signs, stationery, business cards, packages, receptacles, advertising, promotional materials and the like in the possession, custody, or control of Defendant that adopt or infringe the ARIEL Marks, including without limitation the designation ARIEL CAPITAL ADVISORS no later than thirty (30) days from entry of this Order.

4. Advertisements in all existing printed third-party telephone directories (*e.g.*, the Yellow Pages directory) shall be modified as soon as reasonably possible and by no later than their respective current expirations. Defendant shall cancel all pending advertisements which include the name or mark "Ariel" or any names or marks confusingly similar to any of the ARIEL Marks in all other media outlets (*e.g.*, newspapers or magazines) scheduled to run more than thirty (30) days from entry of this Order.

5. Defendant shall send Plaintiff's attorneys samples of Defendant's new promotional and marketing materials evidencing such discontinued use of any name or mark including the word "Ariel" no later than thirty (30) days from entry of this Order.

6. Defendant shall take all steps necessary to transfer to Plaintiff the domain name arielcapitaladvisors.com and all other domain names in Defendant's custody or control which include the term "Ariel" or are confusingly similar to any of the ARIEL Marks by no later than thirty (30) days from entry of this Order.

7. Immediately, and in no event later than seven (7) days from entry of this Order, Defendant shall include a conspicuous disclaimer in the following form on its websites, social

media pages (*e.g.*, LinkedIn and Facebook), electronic communications, other Internet pages, and any tangible materials which include the term “Ariel”:

“Ariel Capital Advisors LLC is not affiliated with,
sponsored, or endorsed by Ariel Investments, LLC or its affiliates.”

8. Defendant and its owners, members, officers, directors, agents, servants, employees, attorneys, affiliates and all other persons who are in active concert or participation with any of the foregoing do not and shall not hereafter contest the validity, enforceability, or ownership of any of the ARIEL Marks or any registrations thereof, or interfere with, oppose or contest in any manner Ariel’s use or registration of any of the ARIEL Marks or any additional trademarks or service marks incorporating the term “ARIEL.”

9. Within thirty (30) days of the entry of this Order, Defendant on behalf of itself and its agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through, or under authority from Defendant, or in active concert or participation with Defendant, shall submit to the Court a written report, under oath, detailing its efforts to comply, and certifying its compliance, with this Order. This report shall include confirmation that Defendant surrendered and delivered up to Plaintiff all labels, signs, stationery, business cards, packages, receptacles, advertising, promotional materials or the like in the possession, custody, or control of Defendant that adopt or infringe the ARIEL Marks, including without limitation the designation ARIEL CAPITAL ADVISORS.

10. This Court retains jurisdiction over this matter for the purpose of enabling any of the parties to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Order, to modify or terminate any of its

provisions, to enforce compliance, and to punish violations of its provisions.

Date: March 9, 2017


MATTHEW F. KENNELLY
United States District Judge

EXHIBIT A
ARIEL Marks

Mark	Reg. No. / Reg. Date	Goods/Services
ARIEL	1286420 7/17/1984	management of investments and investment funds
ARIEL APPRECIATION FUND	2772978 10/14/2003	mutual fund advisory and management services, mutual fund brokerage services, and mutual fund distribution services
ARIEL FUND	2772980 10/14/2003	mutual fund advisory and management services, mutual fund brokerage services, and mutual fund distribution services
ARIEL INVESTMENTS	3506141 9/23/2008	printed publications, namely, reports, educational materials, newsletters, pamphlets and periodicals featuring investment news and commentary investment advisory services; investment management; mutual fund brokerage, distribution and investment; financial sponsorship of cultural and performing arts events; providing on-line information in the field of investments
ARIEL FOCUS FUND	3657317 7/21/2009	mutual fund advisory and management services, mutual fund brokerage services, and mutual fund distribution services
ARIEL'S ABCS OF MONEY	3897717 12/28/2010	online information in the fields of investments and personal financial matters
ARIEL DISCOVERY FUND	4025627 9/13/2011	mutual fund advisory and management services, mutual fund brokerage services, and mutual fund distribution services
ARIEL GLOBAL FUND	4223197 10/9/2012	mutual fund advisory and management services, mutual fund brokerage services, and mutual fund distribution services
ARIEL INTERNATIONAL FUND	4223198 10/9/2012	mutual fund advisory and management services, mutual fund brokerage services, and mutual fund distribution services